Cross-cultural Moral Judgement in a Globalised World

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What theoretical problems arise in relation to cross-cultural moral judgments? Identify challenges to adopting a universalist moral position and critically analyse whether moral relativism or moral universalism are able to provide a more convincing answer.

Globalisation has transformed the whole modern world beyond recognition through flow of technologies, capital, goods, recession, values, knowledge and people. It is profoundly manifested in various forms of social activity including economic, political and cultural life (Kleist, 2010) and has lead to widening, deepening, and spreading of worldwide interconnectedness (McGrew, 2010, p. 20). However, our rapidly changing world, characterised by this intensive globalisation, is filled with deep-rooted inequality[1] and extreme cultural differences. There are some practices that are morally acceptable in some cultures but condemned in others, such as infanticide, genocide, polygamy, racism, sexism, or torture. Such differences in moral practices across cultures have lead to the question whether there are any universal moral principles or whether morality is merely dependent on the particular culture. It is not generally enough to refer to the doctrines of international law and the universal declarations of human rights when different cultures, and their particular moral and value systems clash. But how do we reason across different cultures, religions, ethnicity, gender, historical experience, class and geo-political locations? Is there a possibility of a global ethics, offering us tools for cross-cultural moral judgments and provide answers of how to overcome conflict that inevitably arises when very different cultural norms, values and practices clash?

There are two contrasting approach in moral theory that offer a potential solution to cross-border moral disagreement and conflict: moral universalism and moral relativism (Kleist, 2010). While moral relativists argue that all moral values are relative to the specific context from which they arise, moral universalist claim that fundamental moral values are shared by, and are applicable to, all human groups.

All contemporary moral theories have to be understood in the light of globalisation. Globalisation processes, that universalise the world, cultivate moral dilemmas and require us to provide answers of how to make cross- cultural moral judgement. Although there are substantial challenges to adopting a universalist moral position, the paper will highlight that in the context of diversity and inequality, moral relativism fails to provide a convincing answer. Alison Jaggar argues that “feminist commitment is incompatible with any form of moral relativism that condones the subordination of women or the devaluation of their moral experience.” (Jaggar, 1991, p. 95)

This paper is written from a global feminist perspective and is convinced of the possibility of developing guiding principles for cross-cultural moral judgement, defending moral universalism. It is not only possible, but necessary that we develop strategies of moral reasoning capable of being used to address moral disagreements among people who have diverse cultural identities and are systematically unequal in social power (Jaggar, 1998, 2006; Kleist, 2010; M. C. Nussbaum, 2001). The paper will critically assess the reasoning of a particular universalist moral theory: The capability approach developed by Amartya Sen and Martha Nussbaum. While the paper will argue that the capability approach is useful, it will nevertheless critically evaluate its strengths and weaknesses as a method for cross-cultural moral judgements.

Moral Relativism and Moral Universalism

In our interconnected world, we cannot follow practically what moral relativism demands from us. Moral relativism denies the possibility of developing a single universal moral standard (Kleist, 2010). Therefore, if moral relativism was true, there could not be a common framework for resolving moral disputes or reaching agreements on ethical questions across cultures. However, it is widely established that we cannot and should not tolerate for example genocide, human trafficking or any form of violence and discrimination against women. This paper will further show that the context-specific creation of values does not deny the possibility of overarching, underlying and fundamental values and moral norms and that moral relativism does not follow from cultural differences. By telling us we must follow the moral norms of our particular culture, moral relativism first giving us a moral standard, and second assumes that following the moral norms in our culture is inevitably a good thing. While moral relativism explains why there is cross-border moral conflict, it does however fail to offer a solution of how to overcome it and is therefore highly unpractical. Even though this paper sets out to argue the case of moral universalism, it does however intend to establish moral relativism as helpful to evaluate the theoretical problems that arise with cross- cultural moral judgement and in keeping universalist theories on their toes. Moral Universalism holds that there are universal moral standards which apply regardless of culture, race, sex, religion, nationality, sexuality, disability e.t.c Universalism includes theories of Human Rights, deontology, discourse ethics and the capability approach which this paper sets out to discuss.

This paper notes that both moral relativist and universalist agree on one point: cultures are different in their moral practices. However, universal moral standards can exist even if some moral practices and beliefs vary among cultures since cultures merely differ in the application of fundamental moral principles. So, while the moral practices of cultures may differ, the fundamental moral principles underlying these practices do not. It is a central debate in moral theory between fundamental and non-fundamental moral disagreement which has origin in epistemological and ontological positions – Are there in fact truly deep moral disagreements between cultures? Moral Universalist argues that different cultures may vary in their practices, but do not disagree on the fundamental moral principles underlying these practices. Friedrich Nietzsche raised another important question in the *Genealogy of Morals*, namely where does morality come from and how does it interrelate with culture. Nietzsche answers this question by claiming that culture is hiding the history of morality.

As a theory for justifying moral practices and beliefs, moral relativism fails to explain why some cultures have better reasons for holding their views than others, for example in the case of scientifically false moral beliefs. To give an example of such a case, in some communities of south-west Nigeria, infanticide is considered permissible via the practice of giving birth over a river and allowing the baby to survive only if it comes up by itself after it drops into the water. While obviously based on scientifically false beliefs, the local community considers it proof that the child in question was conceived with its mother`s husband.

The capability approach

The particular universal moral theory that this paper sets out to discuss is the capability approach, developed by Amartya Sen and Martha Nussbaum. It will defend the capability approach against challenges and criticism raised by moral relativism by establishing the weaknesses of these criticisms. The capability approach is a more moderate universalist moral theory arguing that certain capabilities of human beings are universal (Alexander, 2008). The capabilities approach is a possible solution to the challenges that arise out of globalisation and is a recent and substantial contribution to global ethics (Kleist, 2010). Kleist points out that, while the capabilities approach is radically different from other moral theories such as deontology, virtue ethics, or consequentialism, it is yet indebted in them and has to be seen in context of these theories (Kleist, 2010). It is underpinned by a rich variety of philosophical traditions including the political philosophies of Aristotle, Karl Marx and John Rawls. It is also imbedded in Immanuel Kant´s believe to treat human beings always as ends and never as means.

The capability approach is meant to identify a space for cross-cultural judgment about ways of life (Kleist, 2010). It therefore has to be 'thick' enough to allow us to make cross-cultural judgments and yet 'vague' enough to leave meaningful spaces for individuals decisions and choices (Kleist, 2010). This paper will mainly focus on Martha Nussbaum´s feminist arguments for central human functional capabilities and will not address the extensive development studies and economic literature debating various aspects of the capability approach nor the measures

used in the Human Development Reports. Amartya Sen, in his version of the capability approach argues that development should be a "process of expanding the real freedoms that people enjoy" (A Sen 1999, p. 3) which has fostered the creation of the Human Development Paradigms.

This paper is divided into three parts, the first part discusses the arguments for and against moral relativism; the second part outlines the capability approach, focusing on Martha Nussbaum's account; and the third part will give criticisms from global feminist ethics to the capability approach, drawing on Alison Jaggar.

Moral Relativism

Moral Relativism holds that morality is relative to culture (Cultural Relativism) or individuals (Ethical Relativism) and that there are no moral truths that could hold for all people at all times and across cultures. There are no universal standards of right and wrong that would be valid in any given place or time. This means that an action can be morally right at some place and time, while it is morally wrong at another. Therefore, morality is relative to the norms of one's culture, and judging the morality of an action requires using the culture's norms and standards (Kleist, 2010). Most relativist theories are forms of moral subjectivism, but not all subjectivist theories are relativistic.

The Anthropologist, Ruth Benedict, one of the best known moral relativist, rejected attitude of western ethno-centrism and explained in *Patterns of Culture* that cultures differ immensely in their moral practices (Benedict, 1934). In response to the tradition of moral relativism, Williams notes that relativism is "possibly the most absurd view to have been advanced even in moral philosophy"(Williams, 1993).

There are three main arguments for moral relativism, the argument from culture, the argument from the good of diversity and the argument from paternalism (M. C. Nussbaum, 2001).

The argument from culture

As moral relativism argues that different cultures and societies have different moral values; right and wrong is determined by culture. That ultimately, assumes that it is good to obey once culture and ignores the fact that a whole culture can be morally at error e.g. Nazi Germany. Moral Relativism is self-contradictory since it tells us that there are no moral absolutes, but at the same time asks us to follow the norms and rules that our cultures dictates. Furthermore, by "asking us to defer to local norms, it asks us to defer to norms that in most cases are strongly nonrealistic." (M. C. Nussbaum, 2001, p. 49)

Culture is dynamic and full of contestation (M. C. Nussbaum, 2001, p. 59). However, moral relativism applies an unrealistic notion of culture by making the presumptions that culture is static and homogenous[2]. Nussbaum further points out that "people are resourceful borrowers of ideas" (M. C. Nussbaum, 2001, p. 48). Nussbaum provides as an example of how Marxism spread to Cuba, China and Cambodia and quotes Aristotle: "In general, people seek not the way of their ancestors, but the good" (Aristotle, *Politics*, 1996, 1269a 3-4) (M. C. Nussbaum, 2001)

The argument from the good of diversity

Moral relativism was developed as an approach to enforce tolerance for other cultures and their values, which in itself is an entirely western-notion. However, tolerance does not require moral relativism; universalist approaches can also endorse tolerance. Nussbaum establishes that relativism cannot be confused with toleration of diversity since "most cultures have exhibited considerable intolerance of diversity over the ages" (M. C. Nussbaum, 2001, p. 49). Significant problems arise when moral norms of one culture actually include norms about interfering with other cultures. Nussbaum takes the argument from the good of diversity to imply that it would be a "good reasons to preserve types of diversity that are compatible with human dignity and other basic values" (M. C. Nussbaum, 2001, p. 51). If the notion of tolerance advocated by moral relativism, spreads injustice and inequality, in particular for women, it has to be rejected on all grounds.

The argument from paternalism

The argument from paternalism[3] states that morality is subjective because it is learned and socially constructed and that "when we use a set of universal norms as benchmarks for the world´s various societies, telling people what is good for them, we show too little respect for people´s freedom as agents" (M. C. Nussbaum, 2001, p. 51). However, just because morality is learned, does not mean that it is subjective. Nevertheless, Nussbaum takes the argument form paternalism serious:

"The argument from paternalism indicates, (…) that we should prefer a universal normative account that allows people plenty of liberty to pursue their own conception of value, within limits set by the protection of the equal worth of the liberties of others" (M. C. Nussbaum, 2001, p. 55)

Moral Relativism only considers the dominant norms within a culture, and has no space for diversity *within* a particular culture. Moral reformers, for example the women´s suffrage movement, do not follow the dominant norms of their culture, which is morally wrong if one was to take moral relativism serious.

A Universalist Moral Theory: *The Capability Approach – Amartya Sen and Martha Nussbaum*

The capability approach was initially developed in the 1980s as an approach to welfare economics by Amartya Sen. Sen distinguishes between function and capabilities. While a function entails any state of being including happiness, excitement or fear, a capability means a real life possibility considering all external circumstances (Kleist, 2010). A 'capability set' "is the total functions available for a person to perform" (Kleist, 2010). Neither should capabilities and functions be understood as mutually exclusive nor as completely paralleling one another (Kleist, 2010). Sen discusses hunger as one example where people participate in the same function, but possess different capabilities. Even though two people might be hungry, it's possible to imagine that they are hungry for very different reasons: one might not have access to food, while the other one is on a hunger strike voluntary (Kleist, 2010).

In *Inequality Reexamined* (Amartya Sen, 1992), Sen asked the question *Equality of what?* What entitlements do different societies allow to their people? (Amartya Sen, 1992) Sen argues that equality should be "effective freedom to achieve well-being" e.g. morbidity, friendship, satisfying work, happiness, self-respect e.t.c. (Amartya Sen, 1992) His capability approach is concerned with the distribution and equality of opportunity and the individual's power to pursue well-being within their society. He aimed to establish a version of equality that recognises the fundamental diversity of human beings and allows for "equal capability for functioning"(Amartya Sen, 1992)**.**

Sen argues that there are several components in assessing capabilities of a person, such as the importance of real freedoms, ability to transform resources into valuable activities, influence of activities on a person's happiness, materialistic and non-materialistic factors that influence a person's welfare and distribution of opportunities (Agarwal, Bojer, Pierik, Amartya Sen, & Staveren, 2004; Alexander, 2008; Kleist, 2010; A Sen, 2009). Sen's capability approach and the idea of *development as freedom* (A Sen, 1999), which links economic, political and social dimensions, has been predominant as a paradigm for policy debate in human development where it inspired the creation of the UN Human Development Index (Alexander, 2008; Kleist, 2010; M. C. Nussbaum, 2001). By placing a deep correlation between freedom and function, Sen established a thinking about poverty and inequality (A Sen, 1999) that focuses on people's freedom to be and to do: People must have the capability to function and make choices. Therefore, poverty, according to Sen is a lack of capability to function, a deprivation and lack of freedom (A Sen, 1999)[4]. His list of the five instrumental freedoms includes political freedom, economic facilities, social opportunities, transparency guarantees and protective security (A Sen, 1982, 1999, 2009; Amartya Sen, 1992).

Nussbaum`s Capabilities Approach

Martha Nussbaum aimed to construct a capabilities approach[5] with the principle of each person´s capabilities which she grounded in the Marxian / Aristotelian idea of truly human functioning (M. C. Nussbaum, 2001). She intended to find a descriptive and normative concepts adequate for making recommendations that cross boundaries of culture, nation, religion, race, class, gender e.t.c.

"Certain functions are particularly central in human life, in the sense that their presence or absence is typically

understood to be a mark of the presence or absence of human life" (M. C. Nussbaum, 2001, p. 71)

Nussbaum repeatedly points out that her approach is in several ways different to Sen's, in emphasis and philosophical underpinning of the approach and "in its readiness to take a stand on what the central capabilities are" (M. C. Nussbaum, 2001, p. 70). According to Nussbaum, there are three distinctions between hers and Sen's Capability approach: Sen does not explicitly reject cultural relativism, he does not ground his theory in a Marxian / Aristotelian idea of true human functioning and he never provided a list of capabilities (M. C. Nussbaum, 2001). Nussbaum seeks to develop a capabilities approach that can fully express human powers and not just provide opportunities for people to perform certain functions (Kleist, 2010). However, Nussbaum agrees with Sen on the distinction between capabilities and functions, but adds that functions must be truly human and argues that Sen is lacking understanding of human power (M. Nussbaum, 1999).

"Only a broad concern for functioning and capability can do justice to the complex interrelationships between human striving and its material and social context" (M. C. Nussbaum, 2001, p. 70)

Nussbaum's feminist arguments are "allied to a form of political liberalism" (M. C. Nussbaum, 2001, p. 5) and her capabilities approach is meant as a universal normative approach and a theory of justice. She notes "unequal social and political circumstances give women unequal human capabilities." (M. C. Nussbaum, 2001, p.1) The combination of poverty and inequality results in "acute failure of central human capabilities" (M. C. Nussbaum, 2001, p. 3). Nussbaum believes that women lack essential support in living lives that are 'fully human`(M. C. Nussbaum, 2001, p. 4). On these grounds, Nussbaum defends her version of the capability approach as a "valuable basis from which to approach the problems of women in the developing world" (M. C. Nussbaum, 2001, p. 5).

Nussbaum's List of Central Capabilities

Different to Sen, Nussbaum does provide a list of central capabilities. The opinions are divided over the question whether this list is static or if it can be revised and altered (M. Nussbaum, 1999). Nussbaum herself in her earlier writings claimed that it was static, but later argued that it can be contested and remade, so that the "list remains open-ended and humble" (M. C. Nussbaum, 2001, p. 77). Sen notes that such a list could never be complete and has to be viewed as constantly evolving (Kleist, 2010). Nussbaum's list of capabilities as she describes it in *Women and Human Development: The Capabilities Approach* (M. C. Nussbaum, 2001) includes: Life; Bodily Health; Bodily Integrity; Senses, Imagination and Thought; Emotions; Practical Reason; Affiliation; Other Species; Play and Control over One's Environment (M. C. Nussbaum, 2001, pp. 78 – 80). Nussbaum claims that each of the ten capabilities are equally important, however places special emphasis on practical reason and affiliation (Kleist, 2010; M. C. Nussbaum, 2001) . Nussbaum is convinced that her list of capabilities is ´thick` enough to "provides a specific conception of the good life (that is, human flourishing), however, it is not too thick that it would mandates how one ought to live one's life" (Kleist, 2010). She concludes that "the capabilities approach is fully universal: The capabilities in question are important for each and every citizen, in each and every nation, and each is to be treated as an end" (M. C. Nussbaum, 2001, p. 6).

The Capabilities Approach and Other Ethical Theories

The capability approach cannot be viewed or understood without situating it in the tradition of the most dominant moral theories including virtue ethics, consequentialism, and deontology (Kleist, 2010). Nussbaum claims to have grounded her capability approach on Aristotle´s Virtue Theory as she seeks to build a theory that will provide opportunities for human beings "to use their powers to flourish in a truly human way" (Kleist, 2010). The capability approach is also linked to deontology, Nussbaum takes the Kantian notion that all human beings are of the same moral worth and as a result should never be treated as a means but always as an end. Every human being should be treated worthy of respect, dignity and honour (M. C. Nussbaum, 2001). Nussbaum´s capability approach is also strongly indebted to Rawls and liberalism. She agrees with liberalism and Rawls in particular that we should treat people as dignified human beings, and respect their autonomy as individuals (Kleist, 2010).

It is important not to mistake the capability approach with a consequentialist theory that argues to increase the overall

utility in the world (Kleist, 2010). For example Peter Singer in *Famine, Affluence and Morality* argues that global poverty has to be tackled from a consequentialist standpoint (Singer, 1972). Nussbaum gives reasons why consequentialism is different to the capability approach, by explaining that the consequentialists want to maximise utility for everyone, while her capability approach is concerned with the individual. More importantly, consequentialist generally ignore cross-cultural differences (Kleist, 2010; M. C. Nussbaum, 2001).

Philosophical Applications

The capabilities approach has been applied to a variety of different fields and disciplines. It is mainly associated with arguments to reduce poverty or increase the well being of people around the world. It has also been useful for debates in applied philosophy including business ethics, the environment, disability ethics and animal ethics (Kleist, 2010).

It has also been argued that the capability approach can advance the language of human rights. Although Nussbaum points out the "very close" relationship between human rights and the capabilities approach, she nevertheless claims that the capabilities approach has certain advantages over human rights as it is able to take a clear position on specialist issues and can provide definite goals (M. C. Nussbaum, 2001). While Nussbaum is critical of human rights, she nevertheless believes that they play an essential role in global ethics (Kleist, 2010). Human rights have the advantage of showing the urgency to claims of injustice, have rhetorical power and place value on people's autonomy (Kleist, 2010; M. C. Nussbaum, 2001).

Globalised Feminist Ethics*: Alison Jaggar*

There are many philosophical criticisms to the capability approach. This paper will focus on criticism from a global feminist ethics, in particular critique raised by Alison Jaggar, who writes extensively on feminist concerns. Alison Jaggar's critique is significant as it embodies many concerns of power relations (Jaggar, 1991, 1998, 2006; Kleist, 2010). Jaggar's criticism is limited to Nussbaum and her version of the capabilities approach and tackles both its justifications and the list of central capabilities.

Global Feminist Ethics entails reasoning across culture, religion, ethnicity, gender, class, sexuality, geo-political locations, historical experiences, e.t.c (Kleist, 2010). It holds that gender-bias in moral theory has to be challenged and is sceptical of moral theories that claim to be gender-neutral, e.g. Rawls' *A Theory of Justice* (Rawls, 1971).

Alison Jaggar is interested to move toward developing an account of moral rationality that is simultaneously naturalistic and normative and places special importance on feminist concerns by addressing the special needs and circumstances of women. As Jaggar highlights that asymmetrical power relations have to be considered on all levels, she argues that Nussbaum ignored power asymmetries that exist between not only men and women, but also Western and non-Western people (Jaggar, 1991, 1998, 2006; Kleist, 2010). "Jaggar believes that even though Nussbaum claims to be paying attention to such relations, she paradoxically fails to produce a theory that yields an outcome that is cognizant of power." (Kleist, 2010) Jaggar notes that Nussbaum's theory appears to be neo-colonialist insofar as those in power have the "final authority…to assess the moral worth of…[other's] voices" (Jaggar, 2006) and reminds of the danger of drifting to neo-colonial and illiberal justification when defending the capability approach.

Importantly, Jaggar reminds us that Nussbaum´s capability approach must be able to encourage self-criticism. She argues that placing discourse ethics as the main justification could allow the theory to be self-critical, and therefore, be fully aware of power dynamics (Jaggar, 1991, 1998, 2006; Kleist, 2010). It is therefore important to note that Jaggar does not encourage us to reject the capability approach completely on the ground of the criticisms that she raises against it (Jaggar, 1991, 1998, 2006; Kleist, 2010).

Nussbaum response to the criticism that the capability approach is merely an exercise in neo-colonial and class domination by arguing that she is "not being dictatorial about the good" (M. C. Nussbaum, 2001, p. 69). Even though she is aware that it is "problematic to use concepts that originate in one culture to describe and assess realities in

another" (M. C. Nussbaum, 2001, p. 36), she argues that her capability approach is "committed to cross-cultural norms of justice, equality, and rights, and at the same time sensitive to local particularity, and to the many ways in which circumstances shape not only the options but also beliefs and preferences" (M. C. Nussbaum, 2001, p. 7)[6]. She thereby defends the capability approach as a universal framework to especially assess women´s quality of life as "an approach that is respectful of each person´s struggle for flourishing, that treats each person as an end and as a source of agency and worth in her own right" (M. C. Nussbaum, 2001, p. 69).

Conclusion

To conclude, this paper discussed the theoretical problems that arise in relation to cross-cultural moral judgments by taking a closer look at a universalist moral theory. To make cross-cultural comparisons, a cross-cultural standard is needed. Furthermore, in our globalising and interconnected world, there is a strong and immediate demand to unite development prospects with human rights (Alston, 2005). This paper evaluated the capability approach as contestant for this demand. The capability approach, which is bases on a universalist account of central human functions, is a useful tool as it gives real answers to challenges that globalisation and the spread of injustice and inequality have risen. It allows us "to identify a space in which we can make cross cultural judgments on the quality of life" (Kleist, 2010).

The paper further noted that moral relativism makes cross-cultural moral judgement impossible and is in many respects self-refuting. Nevertheless, even though we advocate a moral universalist approach, moral relativism is still helpful in reminding us on the theoretical problems that arise in relations to cross-cultural moral judgment. It further assists in identifying challenges to adopting a universalist moral position. Meeting and overcoming such challenges strengthens and re-establishes the universalist moral position in a globalising age.

It remains a highly controversial topic, raising ethical problems in relation to autonomy, sovereignty, toleration, multiculturalism[7] and globalisation.Whether universalism is responding to globalisation processes or globalisation is a result of the spread of universalism, we have to note the conceptual relationship between the two, and cannot understand the one without the other. Whatever influence globalisation had on the advancement of moral universalist theory, is has triggered an avalanche of moral dilemmas that necessitate resolving.

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[1] Inequalities particular experienced by women and girls

[2] It imagines homogeneity where there is really diversity, agreement or submission where there is really contestation (M. C. Nussbaum, 2001).

[3] interference from state

[4] the more limited one's freedom, the less opportunities one has to fulfil one's functions (Kleist, 2010).

[5] While commonly spelled as "capability approach", Nussbaum uses the term "capabilities approach"

[6] Nussbaum points out that her capabilities approach considers how "circumstances shape preferences" (M. C. Nussbaum, 2001, p. 70) and leaves "individuals a wide space for important types of choice and meaningful affiliation" (M. C. Nussbaum, 2001, p. 69).

[7] For a discussion on multiculturalism and gender see Okin on "Is Multiculturalism bad for women?" (Okin, 1997)

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